

Frequently Asked Questions about LLRW Tracking Program

(Revised 5/15/07)

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Note: If you have a question that is not answered after reviewing this list of FAQ's, please submit your specific question/comment via the following e-mail address, LLRWTracking@dhs.ca.gov, or if you require an immediate response, contact your local State or County inspection office or Roger Lupo at (916) 440-7955.

| Office | Contact Number | Contact |
|-----------------------|----------------|------------------|
| RHB ICE South | (714) 257-2031 | Barbara Hamrick |
| RHB ICE North | (510) 620-3419 | Kent Prendergast |
| RHB Sacramento | (916) 440-7940 | Steve Hsu |
| LA County | (213) 351-7387 | Cass Kaufman |
| San Diego County | (619) 338-2493 | Ron Yonemitsu |
| LLRW Tracking Program | (916) 440-7955 | Roger Lupo |

1. What law requires the LLRW tracking?

CA Health and Safety Code, section 115000.1 is the law that requires LLRW tracking. The law became effective January 1, 2003.

The H&S code may be accessed at <http://www.leginfo.ca.gov/calaw.html> by checking the Health and Safety Code box; then enter 'LLRW' in the keyword search field to start the search. The search will give you a listing of the H&S code sections found for the keyword search criteria. Choose from the list the selection that contains H&S code sections 114990-115055. This will bring up the H&S code page containing H&S code, section 115000.1.

The portions of H&S Code 115000.1 that are applicable to licensees/generators are 115000.1(a), which contains definitions; 115000.1(h), which specifies licensee/generator reporting requirements; and 115000.1(d) and 115000.1(c)(3)(L), which are referenced in 115000.1(h). These Frequently Asked Questions (FAQs) provide all the information necessary for licensees/generators to comply with H&S Code section 115000.1.

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2. Am I a generator of LLRW that is impacted by the Health and Safety code, section 115000.1?

- Have you, directly or indirectly through a broker or a manufacturer, shipped LLRW to a licensed LLRW disposal site?
- Have you stored LLRW for any purpose, including for decay in storage, and do you possess stored LLRW as of December 31?

If you answered **YES** to either of these questions, you are impacted and you are required to report in accordance with H&S 115000.1(h), as specified in these FAQs.

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3. What is required of LLRW generators under Health & Safety Code, section 115000.1?

- The law requires that each generator submit to the Department the information included in [Forms 540, 541, and 542](#) (Uniform Waste Manifest), and any successor forms, of the Nuclear Regulatory Commission (NRC), for each LLRW shipment.
- In addition, each generator is required to annually provide a report to the Department, using the information included on Forms 540, 541, and 542, of the NRC, as applicable, that accounts for the LLRW stored and shipped by the generator during the reporting period. The purpose of the annual report is to provide the information required in sections 115000.1 (c) (3) (L) and 115000.1 (d) of the Health and Safety Code. If all shipped LLRW was reported during the year, an additional annual report of shipped LLRW is not necessary. See FAQ #6 for guidance concerning reporting stored LLRW.

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4. What forms should the LLRW generators submit for each shipment of the low level radioactive waste shipped for disposal at licensed LLRW facility?

The generators should submit the Nuclear Regulatory Commission's Forms [540](#), [541](#), and [542](#), Uniform Low-Level Radioactive Waste Manifest for each such shipment.

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5. Where do I send the required shipping manifest documents and annual reporting information?

Send the required information to the LLRW Tracking Program at the following address

California Department of Health Services
Radiologic Health Branch, MS 7610
P.O. Box 997414
Sacramento, CA 95899-7414
Attn: LLRW TRACKING PROGRAM

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6. How should the required information for the annual report be submitted?

- a. For LLRW that is being held as of December 31 of the reporting year because the generator knows or has reason to believe that the LLRW would not be accepted for disposal at any of the LLRW disposal facilities, the licensee/generator needs to provide the information specified in 115000.1(c)(3)(L) annually. The specified information (activity by radionuclide and waste class, total volume and volume by class, and description of the waste) can be provided by utilizing NRC Form 541, as applicable, or a separate report can be provided, as long as all of the specified information and generator identifying information are provided. If the NRC form is utilized, the following guidance should be followed:
- At top of NRC Form [541](#) state the form is being used to report storage because no disposal facility will accept the LLRW. Also, provide licensee contact and contact phone number in case clarification of submitted information is needed.
 - No entry should be made for item 1 on Form [541](#).
 - Complete items 2, 3, and 4 on Form [541](#), listing reporting year in item 2, pagination information in item 3, and generator name and radioactive materials license number in item 4.
 - No entries should be made for items 5-10, except that licensees can use this space to record identifying container information if desired for their own purposes.
 - Complete items 11-16 as appropriate. Note that activity must be provided by radionuclide for each waste class. Also, volume must be provided for each waste class. Provide summary totals for: 1) activity by radionuclide, 2) activity by waste class, 3) volume by waste class, and total volume.
- b. For LLRW that is being held as of December 31 of the reporting year for decay or for later disposal, but, not including LLRW reported in accordance with 115000.1(c)(3)(L), the information specified in 115000.1(d) needs to be provided annually. The specified information, including activity by radionuclide and waste class, total volume and volume by waste class, and period of time stored separately for both LLRW stored for decay and stored for later disposal, can be provided by utilizing NRC Form [541](#), as applicable, or a separate report can be provided, as long as all of the specified information and generator identifying information are provided. If the NRC form is utilized, the following guidance should be followed:
- At the top of NRC Form [541](#), state whether the form is being used to report storage for decay or storage awaiting shipment. A separate Form 541 should be used for each of the categories of stored LLRW possessed as of December 31 of the reporting year. Also provide licensee contact and contact phone number in case clarification of submitted information is needed.
 - No entry should be made for item 1 on Form [541](#).
 - Complete items 2, 3, and 4 on Form [541](#), listing reporting year in item 2, pagination information in item 3, and generator name and radioactive materials license number in item 4.
 - No entries should be made for items 5-6, except that licensees can use this space to record identifying container information, if desired, for their own purposes.

- Change the heading for item 7 to “Time Stored (months)” and indicate the months the LLRW has been stored for decay or awaiting shipment. For decay in storage containers, the time stored should be based on the date the container is closed (i.e., date the last addition is made to the container).
- No entries should be made for items 8-10.
- Complete item 11-16 as appropriate. Note that activity must be provided by radionuclide for each waste class. Also volume must be provided for each waste class. Provide summary totals for: 1) activity by radionuclide, 2) activity by waste class, 3) volume by waste class, and total volume.

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7. When should the generators and/or brokers submit the required information of the LLRW stored and shipped for disposal at the licensed sites?

Upon receipt of the notice, all generators of LLRW shall:

- For each LLRW shipment, submit to the Radiologic Health Branch (RHB) a copy of [NRC forms 540, 541, and 542](#), including those for shipments made, since the effective date of the subject law, January 1, 2003, and
- On or before January 31 of each year, complete and submit to the RHB the same NRC forms for the LLRW stored and/or shipped by the generator during the calendar year to satisfy the requirements of Health and Safety Code section 115000.1 (h). That information shall cover a calendar year from January 1 through December 31. The total activities of all the radionuclides stored must be reported as of December 31. If all shipped LLRW was reported during the year, an additional annual report of shipped LLRW is not necessary.
- Annual Filings for past calendar years 2003, 2004, 2005 and 2006 must be submitted no later than July 31, 2007 although earlier submissions are encouraged.

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8. How can a generator ask for clarifications related to the requirement of the Health and Safety Code section 115000.1?

Generators can call the LLRW Tracking Program Question line at **916-650-0585** to leave questions. Alternatively, generators may email questions to LLRWTracking@dhs.ca.gov. Answers to these questions will be provided in periodic updates to the LLRW FAQ answers section of the RHB web site. If you submit a question and it is not answered in the next update to the FAQ's, or if you require more timely assistance, you should contact your local State or County inspection office or Roger Lupo at 916-440-7955.

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9. Guidance on reporting for specific types of licensed waste management operations.

- a. I am a medical licensee, such as: hospital, nuclear medicine clinic or office, authorized to use and dispose of radioisotopes, with half-lives less than 120 days, by decay in storage for later disposal as regular trash. I **DO NOT** ship LLRW, either directly or indirectly by a licensed LLRW broker, for disposal at the licensed disposal facilities. Would I have to file an annual report?

Yes, but only for the LLRW stored for decay as of December 31 of the reporting year.

- b. I am a cardiologist licensed for nuclear cardiology procedures provided by a mobile service and all the LLRW generated during patient treatments are transferred to the mobile service for disposal. Would I be required to file an annual report?

No, you are not required to file an annual report.

- c. I have a small nuclear medicine program. I return all unused radioactive dosages and contaminated materials to the nuclear pharmacy. I do not ship LLRW or hold radioactive material for decay in storage. Would I be required to file an annual report?

No, you are not required to file an annual report; however, the nuclear pharmacy to which you return the waste materials would have to file an annual report for any LLRW they ship or LLRW they have stored as of December 31 of the reporting year.

- d. I operate a clinical laboratory using Radioimmuno-Assay (RIA) kits containing iodine-125 and/or 131 and I am authorized to dispose of the kits by decay in storage for later disposal as regular trash. In addition, I **DO NOT** ship LLRW, either directly or indirectly by a licensed LLRW broker, for disposal at the licensed disposal facilities. Would I be required to file an annual report?

Yes, but only for the LLRW stored for decay as of December 31 of the reporting year.

- e. I am a licensee who is authorized to use portable gauges containing radioactive sealed sources. I **ONLY** transfer the sealed sources to the licensed gauge manufacturers for re-sourcing without shipping the sealed sources, as LLRW, either directly or indirectly by a licensed LLRW broker, for disposal at the licensed disposal facilities. Would I be required to file an annual report?

No, you are not required to file an annual report.

- f. I am licensed to use radioactive sealed sources in industrial radiographic devices for non-destructive testing. I **ONLY** transfer the sealed sources to a licensed industrial radiographic device radioactive source manufacturer for re-sourcing, without shipping the sealed sources as LLRW, either directly or indirectly by a licensed LLRW broker, for disposal at the licensed disposal facilities. Would I be required to file an annual report?

No, you are not required to file an annual report.

g. I am a research laboratory and/or a biotech firm that is authorized for radioisotopes with half-lives less than 120 days to use and dispose of radioactive material by decay in storage for later disposal as regular trash. I **DO NOT** ship LLRW, either directly or indirectly by a licensed LLRW broker, for disposal at the licensed disposal facilities. Would I have to file an annual report?

Yes, but only for the LLRW stored for decay as of December 31 of the reporting year.

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10. Definitions of Terms used in the subject law.

a. What is Low-Level Radioactive Waste (LLRW)?

LLRW has the same meaning as defined in Article 2 of the Southwestern Low-Level Radioactive Waste Disposal Compact, as set forth in the Health and Safety Code section 115255.

Excerpt from Health and Safety Code section 115255:

(l) "Low-level radioactive waste" means regulated radioactive material that meets all of the following requirements:

(1) The waste is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in Section 11e (2) of the Atomic Energy Act of 1954 (42 U.S.C. Sec. 2014(e) (2))).

(2) The waste is not uranium mining or mill tailings.

(3) The waste is not any waste for which the federal government is responsible pursuant to subdivision (b) of Section 3 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sec. 2021c(b)).

(4) The waste is not an alpha emitting transuranic nuclide with a half-life greater than five years and with a concentration greater than 100 nanocuries per gram, or Plutonium-241 with a concentration greater than 3,500 nanocuries per gram, or Curium-242 with a concentration greater than 20,000 nanocuries per gram.

b. What is a licensed LLRW disposal facility?

A LLRW disposal facility means any of the three disposal facilities located at Barnwell, South Carolina; Clive, Utah; or Richland, Washington that exists on January 1, 2003.

c. What is Class A LLRW? What is Class B LLRW? What is Class C LLRW?

These are waste classifications for LLRW disposed in near surface disposal facilities such as noted in FAQ # 10.b above. The waste classifications are defined in federal regulation [10 CFR 61.55](#), which can be accessed at the U.S. Nuclear Regulatory Commission website www.nrc.gov. Upon accessing that website, select the Electronic Reading Room, Basic References, Statutes, Regulations, NRC Regulations (10CFR) maintained by NRC, select link to 10 CFR, select quick link to part 61. Scroll down and select [61.55 Waste Classification](#).

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